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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,737	01/11/2002	Anthony E. Martinez	RSW920010153US1	1564

7590 04/20/2005

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EXAMINER

HONEYCUTT, KRISTINA B

ART UNIT PAPER NUMBER

2178

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/044,737	<b>Applicant(s)</b> MARTINEZ ET AL.	
	<b>Examiner</b> Kristina B. Honeycutt	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. This action is responsive to the amendment filed on February 2, 2005.

**This action is made Final.**

2. Claims 1-5, 7-14 are pending in the case. Claim 6 is cancelled. Claims 1, 2, 13 and 14 are independent claims.

#### ***Specification***

#### ***Claim Objections***

3. The objection of Claim 3 for the informality of stating "... navigating to the Web page, response to a user's request..." has been withdrawn as necessitated by the amendment.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, and 10-14 remain rejected under 35 U.S.C. 102(e) as being anticipated by Malamud et al. (U.S. Pub. No. 20030142123).

**Regarding independent claim 1**, Malamud discloses a content previewer, comprising:

- a graphic previewer image comprising a virtual sensor portion and a content-previewing portion (p.3, para. 42, 44 – as demonstrated in the cited text, a “graphic previewer image” contains virtual sensor and content previewing portions);
- means for enabling a user to position the virtual sensor portion of the graphic previewer image over a representation of content to be previewed (p.3, para. 42, 44 – as demonstrated in the cited text, the “graphic previewer image” is placed over a representation of content to be previewed); and
- means for rendering, within the content-previewing portion, a preview of the content, responsive to determining that the virtual sensor portion has been positioned over the representation of the content (p.3, para. 44 – as demonstrated in the cited text, a preview is rendered when the “graphic previewer image” is placed over the representation).

**Regarding independent claim 2**, Malamud discloses a method of previewing content in a computing system, comprising steps of:

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- providing a previewer graphic for dragging over a representation of content to be previewed, the previewer graphic comprising a virtual sensor portion and a content-previewing portion (p.3, para. 42, 44 – as demonstrated in the cited text, a “graphic previewer image” is provided for dragging over a representation); and
- rendering, within the content-previewing portion, a preview of the content to be previewed, responsive to detecting that the virtual sensor portion has been positioned over the representation (p.3, para. 44 – as demonstrated in the cited text, a preview is rendered when the “graphic previewer image” is positioned over the representation).

**Regarding dependent claim 10**, Malamud discloses the method according to Claim 2, wherein:

- the previewer graphic replaces a cursor of a visual display of the computing system (p.3, para. 42 – as demonstrated in the cited text, the “previewer graphic” replaces the cursor).

**Regarding dependent claim 11**, Malamud discloses the method according to Claim 2, wherein:

- the rendered preview uses cached information associated with the content to be previewed (p.6, para. 70 – as demonstrated in the cited text, the preview uses “cached” information associated with the content to be previewed).

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**Regarding dependent claim 12**, Malamud discloses the method according to Claim 2, wherein:

- the representation is a file icon and the content to be previewed is a stored file (p.6, para. 68; Figure 2Q3 – as demonstrated in the figure and cited text, the representation is a file icon and the content to be previewed is a stored file).

**Regarding independent claim 13**, Malamud discloses a system for previewing content in a computing system, comprising:

- means for providing a previewer graphic for dragging over a representation of content to be previewed, the previewer graphic comprising a virtual sensor portion and a content-previewing portion (p.3, para. 42, 44 – as demonstrated in the cited text, a “previewer graphic” is dragged over a representation);
- means for detecting that the virtual sensor portion has been dragged over the representation (p.3, para. 44 – as demonstrated in the cited text, the “virtual sensor portion” is detected being dragged over the representation); and
- means for rendering, within the content-previewing portion, a preview of the content to be previewed, responsive to the means for detecting (p.3, para. 42, 44 – as demonstrated in the cited text, a preview is rendered within the “previewer graphic” when the “previewer graphic” is detected).

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**Regarding independent claim 14**, the claim reflects a computer program product comprising computer-readable program code for performing the system of claim 13 and is rejected along the same rationale.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 5, and 7-9 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Malamud et al. (U.S. Pub. No. 20030142123) in view of Petropoulos et al. (U.S. Pub. No 20030146939).

**Regarding dependent claim 3**, Malamud does not disclose the representation is a hyperlink and the content to be previewed is a Web page. Petropoulos teaches a hyperlink as a representation and previewing a Web page (Figure 1; p.2, para. 23). It would have been obvious to one of ordinary skill in the art, having the teachings of Malamud and Petropoulos before him at the time the invention was made, to modify previewing content as taught by Malamud to include previewing Web pages and hyperlinks as representations as taught by Petropoulos, because opening each Web

page to determine if the contained material is relevant is unwieldy and time consuming, as taught by Petropoulos (p.1, para. 7,8), as is opening files and documents, as taught by Malamud. It would have been advantageous to one of ordinary skill to utilize such combination because allowing the user to preview a Web page before opening the page would save time and efficiently utilize resources since irrelevant Web pages would not be opened and browsed.

**Regarding dependent claim 5,** Malamud does not disclose the rendered preview comprises a thumbnail version of the Web page. Petropoulos teaches a thumbnail version of the Web page as the rendered preview (Figure 1; p.1, para. 9). It would have been obvious to one of ordinary skill in the art, having the teachings of Malamud and Petropoulos before him at the time the invention was made, to modify previewing content as taught by Malamud to include previewing Web pages as thumbnails as taught by Petropoulos, because opening each Web page to determine if the contained material is relevant is unwieldy and time consuming, as taught by Petropoulos (p.1, para. 7,8) as is opening files and documents, as taught by Malamud. It would have been advantageous to one of ordinary skill to utilize such combination because allowing the user to preview a thumbnail version of the Web page before opening the page would save time and efficiently utilize resources since irrelevant Web pages would not be opened and browsed.



**Regarding dependent claim 7**, Malamud does not disclose navigating to the Web page, responsive to a user's request and displaying the Web page, responsive to the navigating. Petropoulos teaches navigating to the Web page responsive to a request and displaying the Web page (p.4, para. 42). It would have been obvious to one of ordinary skill in the art, having the teachings of Malamud and Petropoulos before him at the time the invention was made, to modify previewing content as taught by Malamud to include navigating to and displaying a Web page as taught by Petropoulos, because displaying the Web page would allow the user to view the entire Web page at full size per the user's request. It would have been advantageous to one of ordinary skill to utilize such combination because allowing the user navigate to the Web page if he/she desired to would present the page at full size for browsing, printing, etc.

**Regarding dependent claim 8**, Malamud does not disclose the user's request is signaled by clicking within the previewer graphic. Petropoulos teaches requesting by clicking (p.4, para. 42). It would have been obvious to one of ordinary skill in the art, having the teachings of Malamud and Petropoulos before him at the time the invention was made, to modify previewing content as taught by Malamud to include signaling a request by clicking as taught by Petropoulos, because displaying the Web page would allow the user to view the entire Web page at full size per the user's request and clicking to signal a request would allow users to easily access the page. It would have been advantageous to one of ordinary skill to utilize such combination because allowing

the user to navigate to the Web page if he/she desired would present the page at full size for browsing, printing, etc.

**Regarding dependent claim 9**, Malamud does not disclose the previewer graphic remains positioned over the displayed Web page. Petropoulos teaches the previewer graphic positioned over the displayed Web page (p.4, para. 42). It would have been obvious to one of ordinary skill in the art, having the teachings of Malamud and Petropoulos before him at the time the invention was made, to modify a previewer graphic as taught by Malamud to include the previewer graphic positioned over the displayed page as taught by Petropoulos, because positioning the previewer graphic over the displayed page would allow the user to view the preview alongside the associated information on the displayed page that caused the preview. It would have been advantageous to one of ordinary skill to utilize such combination because viewing the preview with the displayed page would allow the user to compare the preview to the page in order to determine if further navigation to the full version of the page is necessary.

6. Claim 4 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Malamud et al. (U.S. Pub. No. 20030142123) in view of Krause (U.S. Patent 6160554).

**Regarding dependent claim 4**, Malamud discloses the content to be previewed is a stored file (p.6, para. 68).

Malamud does not disclose the representation is a file name. Krause teaches the file name as the representation (col. 1, lines 52-65). It would have been obvious to one of ordinary skill in the art, having the teachings of Malamud and Krause before him at the time the invention was made, to modify previewing a stored file as taught by Malamud to include the a file name as the representation as taught by Krause, because Krause teaches a representation as a file name or an icon (col. 1, lines 56-61) and Malamud teaches a representation as an icon (p.6, para. 68; Figure 2Q3) so a file could be represented as either a name or an icon. It would have been advantageous to one of ordinary skill to utilize such combination because previewing stored files based on file names would allow the method to be used by more users with different storing preferences.

### ***Response to Arguments***

7. Applicant's arguments filed February 2, 2005 have been fully considered but they are not persuasive. Regarding independent claims 1, 2, 13 and 14, Applicants indicate that Malamud teaches a cursor and applicants claim a graphic previewer image or previewer graphic (p.8, lines 14-17). The Examiner disagrees because Malamud teaches "information pointers" that display graphical and/or textual information about one or more objects to which the cursor points (p.3, para. 42). Malamud also teaches that the pointing portion is a standard cursor (e.g., arrow, hourglass, etc.), (p.3, para. 42). In other words, Malamud teaches a graphic previewer image.

Furthermore, Applicants indicate that Malamud teaches the cursor positioned over a portion of one of the objects and information displayed in an information window and applicants claim a content preview is rendered within the content-previewing portion of the graphic previewer image (p.8, line 18 – p.9, lines 1-5). The Examiner disagrees because Malamud teaches “information pointers” that display graphical and/or textual information about one or more objects to which the cursor points and information pointers including a pointing portion and an information portion (p.3, para. 42). Malamud further teaches that the information portion displays textual and/or graphical information about the object and/or the user’s interaction with the object to which the pointing portion points (p.3, para. 42). In other words, Malamud teaches a preview rendered within the content-previewing portion.

Claims 10-12 depend from independent claim 2. Therefore claims 10-12 are rejected at least based on the rationale of the rejection above.

Claims 3-5 and 7-9 depend from independent claim 2. Therefore claims 3-5 and 7-9 are rejected at least based on the rationale of the rejection above.

Regarding dependent claims 3-5 and 7-9, Applicants indicate that Petropoulos teaches a mouse-over approach and applicant claims a graphic previewer image or previewer graphic is positioned/dragged (p.10, lines 15-19). The Examiner disagrees

because Petropoulos teaches an action of a pointer (p.2, para. 23). In other words, Petropoulos teaches moving a pointer by dragging.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Loop menu navigation apparatus and method (U.S. Pub. No. 20030043206),
- System and method for previewing hyperlinks with 'flashback' images (U.S. Pub. No. 20020129114),

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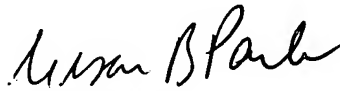
- Method and system for accessing information (U.S. Pub. No. 20010038395),
- System, method and article of manufacture for a visual self calculating order system over the world wide web (U.S. Pub. No. 20020042750), and
- Method for receiving and managing electronic files and file-managing device used therefor (U.S. Pub. No. 20010028363).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristina B. Honeycutt whose telephone number is 571-272-4123. The examiner can normally be reached on 8:00 am - 5:00 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KBH

  
CESAR P. ALVAREZ  
PRIMARY EXAMINER